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DEPARTMENT OF REGULATION AND LICENSING FOR PRIVATE DETECTIVES
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Secretary Marlene Cummings Retires

Secretary Marlene Cummings retired from state service on February 25, 2001. She had served with Governor Thompson since the beginning of his administration and was one of his first cabinet appointments.

Governor Thompson said Secretary Cummings had an extremely successful tenure that emphasized changes in the handling of disciplinary complaints and adopted innovative disciplinary procedures. Her innovations included an agency time-line for handling complaints, the use of mandated education and a procedure for managing professionals with drug and alcohol addictions.

PRIVATE DETECTIVE ADVISORY COMMITTEE

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Oscar Herrera, Secretary
William Conway, Deputy Secretary
Myra Shelton, Executive Assistant

Governor McCallum Appoints Herrera

Governor Scott McCallum announced on March 30, 2001, that he had appointed Oscar Herrera as the Secretary of the Department of Regulation and Licensing. Herrera has served sixteen years in state government including from 1999 to the time of his appointment as the Director of the Bureau of Minority Business Development in the Department of Commerce. From 1992 to 1998 he was the Director of the Wisconsin Coastal Management Program in the Department of Administration, and from 1985 to 1991 worked as a program and planning analyst with the Coastal Management Program. He was twice awarded the Department of Administration's Exceptional Performance Award.

Herrera was born and raised in Mexico City. He obtained a Bachelor's degree in Economics from the National University of Mexico and a Master's degree in Agricultural Economics from the University of Chapingo in Mexico. He also attended the University of Wisconsin-Madison where he obtained a Master's degree in Continuing and Vocational Education and completed Doctoral studies (Ph.D.abd) in Development.

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Failure to Pay Child Support

Failure to pay court-ordered child support may result in the suspension or non-renewal of professional licenses.

Recently-enacted Wisconsin laws give local child support agencies the ability to request suspension or denial of licenses of people whose names appear on the Child Support Lien Docket and who owe more than \$1,000 or three months' worth of child support.

Past-due child support creates a lien against all of a payer's titled property. The lien is entered into Wisconsin's Child Support Lien Docket when past-due support reaches a specified threshold. In January 2001, the threshold amount was \$20,000 in past-due support.

Child support agencies will notify payers at the time their names are added to the Child Support Lien Docket and prior to initiating license suspension action. Satisfaction (payment in full) of the child support lien, or entering into and complying with a plan to pay off the past-due support, will halt license suspension action.

For more information about Child Support Liens and license suspension, please contact your local child support agency.

Licensing Statistics

The number of active licensees and permit holders, as of May 3, 2001:

Private detective agencies - 551

Private detectives - 864

Private security permits - 7,295

Complaints Against Private Detectives

Complaint Statistics for 1/1/00 to 12/14/00)

Complaints Received - 10

Complaints Closed After Screening - 7

Complaints Closed After Investigation - 2

Complaints Closed With Formal Action - 0

Note: The number of complaints closed includes complaints prior to 2000.

Truthfulness About Convictions

A particular problem that the Department has encountered with private security applications is

the lack of truthfulness about convictions and arrests on application forms.

Many applicants either have forgotten about some of their convictions, have assumed that a certain criminal action was not a criminal conviction or have simply lied on their application. Many cases have been referred by staff to the Division of Enforcement, because the Wisconsin Crime Information Bureau or the FBI criminal records check showed that the applicants had been convicted of crimes, even though the applicants stated that they had not been convicted.

One of the responses of the Department to this problem has been to only grant a **temporary permit** to an out-of-state applicant and to not grant a regular permit until after having received the FBI criminal records check. Many applications for a private security permit are denied because the applicant has been convicted of serious or multiple convictions substantially related to the practice of private security and because the applicant untruthfully answered the questions concerning convictions on the application form.

Fingerprint Cards

The Department has run across 2 problems with fingerprint cards sent with application forms. One problem is that the prints are very badly rolled. The prints are not clear, they are out of sequence or they are not complete. Another problem is that some private security companies use a yellow or light green highlighter pen to show employees what information must be filled in on the fingerprint card. If the FBI cannot read the fingerprints because of poor quality or because of the use of a highlighter pen, they will send the cards back to us and we will send them back to you. If anyone uses a highlighter pen on a card, the FBI will return the card and a new card will have to be submitted. If the card is returned a second time, another card and \$24 fee will be required.

Biennial Budget Bill

The Biennial Budget Bill has been introduced as SB 55 and AB 144. Initially, it contained several provisions that were recommended by the Private Detective Advisory Committee and

the Private Security Advisory Committee; however, on April 20, 2001, the Joint Finance Committee removed a total of 150 items from the bill. These items can be introduced as separate bills; however, it will take more time and work to get them passed as separate bills. The following summary was prepared by the Legislative Fiscal Bureau:

Governor: Make the following changes related to the regulation of private security persons:

New Private Security Agency License Established. Authorize the Department to issue a new private security agency license to an individual, partnership, limited liability company or corporation that meets the qualifications described below and allow qualifying individuals who work for a private security agency to be issued a private security permit, as authorized under current law. Provide one-time funding of \$10,000 in 2001-02 to support the Department's costs of developing an examination for managers of private security agencies. Prohibit any person from advertising, soliciting or engaging in the business of operating a private security agency unless the person is licensed by the Department. Establish fines of not less than \$100 nor more than \$500 and authorize imprisonment for not less than three months nor more than six months (or both) for violations of this provision. Currently these prohibitions apply only to private detective agencies, private detectives and private security persons.

Bonds and Liability Policies Required. Require a private security agency to execute a bond or liability policy that must be filed with the Department before a private security agency license may be issued. Specify that the Department would establish the amount of the bond or liability policy by rule. Current law requirements for a \$100,000 bond or liability policy for private detective agencies and a \$2,000 bond or liability policy for private detectives would be clarified and recodified.

Issuance of Private Security Permits to Employees of Private Security Agencies. Exempt from the requirement for licensure as a

private detective agency, private security agency or private detective an employee of a private security agency doing business in the state by providing uniformed security personnel or patrols on the private property of plants, businesses, schools, hospitals, sports facilities, exhibits and similar activities, if: (a) the employee obtains a private security permit; (b) the private security agency provides up-to-date written information of its employees to the Department; and (c) the private security agency advises the Department within five days of any change in information on such employees. Under current law, this exemption applies only to employees of private detective agencies. Specify that the Department must issue a private security permit to an employee of a private security agency, if: (a) the individual submits the appropriate application to the Department; (b) the individual has not been convicted of a felony (unless pardoned); (c) the individual provides satisfactory evidence of being employed by a private security agency; and (d) the individual pays the required fees to the Department. Under current law, these provisions apply only to employees of private detective agencies.

License Fees and Renewal Dates. Establish a statutory \$20 biennial renewal fee for private security agency licenses. A current law provision that limits private security and private detective-related licenses to a term of two years would apply to the new private security agency license; however, no uniform expiration date for this new license is established under the proposal. Under current law, the initial private security agency license fee would be the same as the initial credential fee required for other professions [\$56 under the bill]. On the later of September 1, 2001, or the first day of the second month after publication of the biennial budget act, reduce the private security person renewal fee from the current \$49 to \$20. This renewal fee would continue to be paid on September 1 of each even-numbered year. On the general effective date of the biennial budget act, change the current renewal date for private detective agency licenses from September 1 of each even-numbered year to September 1 of each odd-numbered year (but retain the current \$47 renewal fee level) and repeal a current

requirement that the licenses of a private detective and a private detective agency shall expire on the same renewal date (September 1 or each even-numbered year). As a result of this proposed change, the expiration of private detective licenses and private detective agency licenses would be one year out of phase. On the later of September 1, 2001, or the first day of the second month after publication of the biennial budget act, increase the renewal fee for private detective agencies to \$56. Since private detective agencies have already renewed their licenses under current law for two years on September 1, 2000, include a nonstatutory provision that would decrease the private detective agency renewal fee by 50% on a one-time basis for those required to renew on September 1, 2001.

Period of Validity of a Temporary Private Security Permit. Increase the period of validity of a temporary private security permit from the current 30 days to 60 days. Under current law, the Department may issue a temporary private security permit where a person has completed an application for full licensure and paid the required fees, but the Department has not completed the necessary background checks. Clarify that an individual seeking a private security permit is subject to the payment of fees for a DOJ records check (\$5 per credential), an FBI fingerprint check (\$24 per credential) and any temporary permit issued (\$10 per credential). A valid temporary private security permit expires under current law when the Department provides written notice to the applicant that all background checks have been completed and the individual is either granted or denied a regular private security permit.

The Biennial Budget Bill also proposes an increase in original registration fees for all occupations and professions licensed by the Department from \$44 to \$56. The proposed renewal fees are as follows: private detective agencies - ~~\$47~~ \$56, private detectives ~~\$89~~ \$101, and private security persons - ~~\$49~~ \$20. All of these proposed fees could be changed before the Joint Finance Committee completes its work. Private detective and private security person renewals include an additional \$5 fee for a CIB criminal records check.

Private Detective Advisory Committee

The Committee held discussion on the pros and cons of continuing education and agreed that the Committee is divided on the issue of mandating continuing education.

A suggestion was made for the possibility of a test-out exam for assessing continuing competency. If an individual does not take the test-out exam, then continuing education must be taken.

It was suggested that because of the amount of diversity in the profession, there should be education in different areas of practice, in order to provide everyone the training that they desire for the type of work that they are performing.

A concern with mandatory continuing education is the loss of work time for the agency while the employees attend continuing education courses.

The Committee recommended an industry-wide poll through a survey in the Regulatory Digest requesting response in support of or opposition to mandating continuing education; identifying specific topics that should be addressed annually and how much time should be required each year to adequately cover those topics. The survey should also request information regarding how many private detectives would apply for a concealed carry permit.

Private Security Advisory Committee

The Private Security Advisory Committee discussed the pros and cons of basic training for private security persons and the public's perception of the role of an individual in a uniform. The Committee made the following recommendations to the Secretary of the Department:

MOTION: Dennis Brewer moved, seconded by Jim Mankowski, to require a minimum of 8 hours to cover basic training for private security persons within the first 90-days of training, with the following contents: introduction to security; standards of conduct, dress, and behavior; legal aspects of security; report writing; safety and fire detection; patrol procedures; when and how to notify public authority; and human relations. Motion carried unanimously.

MOTION: Edward Byrne moved, seconded by William Meloy, that at the next meeting the Committee address the issue of monitoring and reporting compliance and accountability with regards to mandatory minimum training of basic state licensed security guards. Motion carried unanimously.

MOTION: Mark Kirch moved, seconded by Shawn Smith, to require a minimum of 8 hours of training be completed and reported to the Department of Regulation and Licensing before a conditional permit can be changed to a regular permit and a person who has a temporary permit would have to complete that training during the temporary permit period before they can receive a regular permit. Motion carried unanimously.

Survey of Opinion

As previously stated, the Private Detective Advisory Committee recommended a survey be included in the regulatory digest. The Committee would eventually like to make recommendations to Secretary Oscar Herrera for amending the Wisconsin Statutes and effectuating several significant policy changes. Please photocopy the following survey, complete it and send it to the address on the last page of this Digest.

1. ☐ Yes, I am a licensed private detective in Wisconsin.

2. My name and address is:

3. ☐ Yes ☐ No. I believe licensed private detectives should be permitted to carry a concealed weapon after having satisfied requirements that are more stringent than those that currently apply to firearms permits granted to private security personnel.

4. ☐ Yes ☐ No. If the law were changed and if my employing private detective agency would permit me to carry a concealed weapon when on duty as a private detective, I would do so (at least some of the time).

5. ☐ Yes ☐ No. I believe that applicants for a private detective license should be required to

complete pre-license education, as well as pass the licensing exam, before being eligible for a license.

6. ☐ Yes ☐ No. I believe that private detectives should be required to obtain a certain number of department-approved continuing education courses every 2 years, in order to renew their license.

7. ☐ Yes ☐ No. I am an owner or officer of a private detective agency that employs private security personnel.

Please answer the following question only if you answered yes to #7.

8. ☐ Yes ☐ No. I would support the motion of the Private Security Advisory Committee to change the law to require a minimum of 8 hours to cover basic training for private security persons within the first 90-days of training, with the following contents: introduction to security; standards of conduct, dress, and behavior; legal aspects of security; report writing; safety and fire detection; patrol procedures; when and how to notify public authority; and human relations.

Additional Comments (continuing ed. topics):

Disciplinary Actions

MIDSTATES SECURITY POLICE INC FOND DU LAC WI

LIMITED/COSTS

Engaged in unlicensed practice, operated without required liability insurance, hired and employed unlicensed security guards and engaged in security guard activities while in an unlicensed status. \$1,000.00 costs. Effective 2/22/2001. Sec. 440.26(1)(a), Stats. RL 32.07(1)(b),(2), 31.02(1)(b), 31.034(1),(2), 35.01(2),(11),(13),(23) Case #LS010222RAL

HECTOR RODRIGUEZ, SOLE PROPRIETOR RAPID RESPONSE PUBLIC SAFETY

MILWAUKEE WI ADMINISTRATIVE INJUNCTION

Operated as a private detective agency by providing armed security guards at apartments without a license. The renewal application was denied based on a tax delinquency. The private detective license expired and the renewal application was denied based on a tax delinquency. Enjoined and prohibited from continuing to engage, directly or indirectly, in conduct which requires a license. Effective 4/6/2001 Case #LS0102191RAL

REGULATORY DIGEST

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Whether A Person is Licensed	Press 442
Application Processing & Requirements	Press 43
Changes of Employment	Press 43
FAX Number	608-267-3816

Visit the Department's Web Site

www.drl.state.wi.us

For our new "Online Verification of Credential Holders" click on the "Business and Professional License Lookup" button on the Department's home page.

Copies of the Regulatory Digest are on the Web.

Send comments to dorl@drl.state.wi.us

Wisconsin Statutes and Code

Copies of the Wisconsin Statutes and Administrative Rules Relating to the Practice of Private Detectives and Private Security Personnel can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated April 2001.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes is not automatically provided, but may be verified by calling the Bureau office one week after mailing the changes.

SECTION 440.11, STATS., ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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